

**REMARKS/ARGUMENTS**

This paper is submitted responsive to the Office Action mailed March 17, 2008. In the aforesaid action, the Examiner has rejected claims 7 and 11 and indicated all other claims as allowed or allowable. It is believed that the rejection of claims 7 and 11 is in error and reconsideration of the rejection in light of the following remarks is respectfully requested.

Claim 11 calls for a toggle bolt for securing a threaded member relative to a mold wall. The toggle bolt has a head portion and a thread protector portion.

The head portion has a central portion, a rounded end extending from one end of the central portion and at least one wing flexibly extending laterally with respect to a longitudinal axis of the central portion. The head portion also has a longitudinal slot disposed along the central portion.

The thread protector portion has a threaded member having a slotted head. The thread protector portion is releaseably connected to the central portion of the head portion. The thread protector portion has at least one longitudinal cutout positioned along the thread protector portion, and the at least one longitudinal cutout extends from a rear edge of the thread protector portion toward the slotted head. The longitudinal cutout ends before reaching the slotted head.

The Examiner has rejected this claim as anticipated by Malks (US 5,186,591) and points to Figures 4 and 5 in support of the rejection. First, it is noted that Figures 4 and 5 show different embodiments of Malks, not different views of the same device. Thus, Malks does not disclose a device having both slot 62 and connectors 72, only one or the other.

Claim 11 calls for a longitudinal slot in the head portion, and a longitudinal cutout along the thread protector portion,

with the longitudinal cutout extending from a rear of the thread protector portion toward the slotted head, but ending before reaching the slotted head. Malks clearly does not disclose or suggest the longitudinal cutout. Slot 56 in Malks is in the head portion of Malks, and so is in the wrong location to serve as the longitudinal cutout. Slot 62 in Figure 4 of Malks is likewise not the same as the longitudinal slot called for in claim 11 because it does not extend toward a slotted head of the thread protector portion, and stop before reaching the slotted head. The only structure considerable in Malks to be a slotted head is the open slot 56 in the head portion, which is of course not in the thread protector portion as required by claim 11, or the slot 62, which extends in the wrong direction. Further, slot 62 does not end before reaching the open end of the slot.

It is also noted that the embodiment of Figure 4 of Malks does not have a thread protector portion releasably connected to a head portion, such a structure is simply not present in that embodiment. In Figure 5, pins 72 allow for releasable connection between elements 50 and 58, but the thread protector portion 58 does not have a slotted head. For these reasons, at least, Malks clearly fails to anticipate claim 11 and allowance of this claim is solicited. Claim 7 depends from claim 11 and is submitted to be allowable based upon this dependency. All other claims are allowed and it is therefore submitted that the application is in condition for allowance.

An earnest and thorough effort has been made to place this application in condition for allowance. If, upon consideration of this response, the Examiner feels there are issues which can be resolved by telephone interview, the Examiner is respectfully invited to telephone the undersigned.

Appl. No. 10/811,372  
Amdt. Dated June 17, 2008  
Reply to office action of March 17, 2008

It is believed that no fee is due in connection with this paper. If, any fee is due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,

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